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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,203	04/28/2000	Terry Erisman	TEE 2000-1	3365
23694	7590	11/10/2003	EXAMINER	
J. NICHOLAS GROSS, ATTORNEY AT LAW 726 DUBOCE AVE. SAN FRANCISCO, CA 94117			AKERS, GEOFFREY R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/560203

Applicant(s)

Erisman

Examiner

Akers, g

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/24/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-102 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Reply to Request for Reconsideration(RCE)*

1. This action is issued in reply to applicant's Request for Continued Examination(RCE) (Paper #13) filed 9/22/03 and Response(Paper # 11).
2. No claims were added or deleted.
3. Claims 1-102 are pending.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-102 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Barzilai(US Pat. No: 6,012,045) in view of Godin(US Pat. No: 6,266,652) in view of Aggarwal(US Pat. No:6,151,589) and further in view of Rackson(US Pat. No:6,415,270).
6. As per claims 1-102 Mori teaches a method of entering bid information on an electronic auction comprising reviewing a database of items for auction(Fig 2/11) and entering a set of bids for a set of items selected from a database(Fig 4/312/313).Mori further teaches bid prioritization where the bidders coalesce through a rule editor(Fig 5)(Fig 4/324/325) as well as conditional and

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unconditional bidding(Fig 4/314)(Fig 5/425)(Fig 7/612).Mori teaches performing these auctions on a network(Abstract) and a highest ascending price(Fig 19) as well as order times(Fig 10) and desired quantities(Fig 12) and the raising of prices relative to a reference(Fig 16).Additionally, Mori teaches a rules editor with a specified price/lowest price and a range designation purchase function(Fig 5/411/421) as well as transaction processes(Fig 7/612) and rule results(Fig 7/613) as well as an electronic marketplace monitor(Fig 8/71) incorporating purchasing person ID and product number(Fig 8/711) and an auction monitor(Fig 11)(Fig 12)(Fig 13) as well as price bands on desired amounts to bid(Fig 14/1207) and a competitive state judging routine(Fig 15) and a product allocation algorithm(Fig 17). Mori does not specifically teach creating a bid table and bid ranking and bid cycling.Barzilai teaches creating a bid ranking and bid table(col 16 lines 50-60)(col 16 line 11-col 17 line 21) as well as services(Abstract) and vacations(Fig 4A/202) which includes entertainment as well as a minimum bid, bid cycle data, and distribution of bids(col 2 lines 20-54) with a cost associated with each bid(col 2 lines 53-54) and an e-mail confirmation of shipping(Fig 4B/228).Barzilai also teaches periods of time when the auction showrooms are opened(Fig 5) and password access control to the auction and a rule engine(Fig 6A) and a frequency analysis on the data(Fig 6B/344) and the construction of a bid table of bids(Fig 6B/346) as well as the running average, the mean, median,mode and range per bid item(Fig 6B/342) and the posting of the top N bids above a threshold on the bid chart(Fig 6B/356).Barzilai further teaches permitting bidders to see a current highest unconditional bid specified by a bidder and information related to bids specified by other bidders(col 13 lines 30-

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50). Godin teaches a maximum price through a reverse auction process(Abstract)(col 2 lines 37-67) as well as a process registration(Fig 2/82) and a user ID configuration(Fig 2/84) and a warranty(Fig 2/74) and categories(Fig 2/62) as well as minimum cost, street price and starting and closing prices(Fig 4) and an electronic bill of sale(Fig 12).Godin further teaches pre-registration(col 2 lines 25-30).Godin does not specifically teach providing information regarding the best bids submitted.Aggarwal teaches conditions on market premium bidders(Fig 4/420) as well as a continuous auction on the Internet(Abstract), and a display of current best bids(Fig 2/210) and the time interval between auction decisions(Fig 2/240) for a buyer to decide to buy(Fig 3/340).Aggarwal further teaches the seller providing information regarding the best bids submitted(Fig 3/310) as well as including the set of active bids for an item includes only those bids in which a potential purchaser designated such bid for an item with a highest bid ranking among all bids submitted by the purchaser(Fig 4/420).Aggarwal further teaches a number of items to be bought(Fig 2/250) and giving priority to bidders who have the highest volume(Fig 5/550).Aggarwal does not specifically teach permitting a bidder to bid on two items through a coordinated bidding mechanism. Rackson teaches permitting a bidder to bid on two separate items auctioned in two separate periods through the coordinated bidding mechanism(col 7 lines 18-36). Rackson further teaches the multi-auction service determines the optimum auction parameters(Fig 4/112) and defining the parameters for split items(Fig 4/120) and determining which remote auction service to receive thereplicated bid(Fig 4/150) and transmitting thereplicated bid(Fig 4/154).Rackson further teaches standard auctions(Fig 5) and Dutch

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auctions(Fig 7).Rackson also teaches a bid strategy(Fig 12/440) and rules(Fig 12/442).Rackson also teaches the multi-auction service determining optimum bidding parameters(Fig 13/620). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach part of the above. The motivation to combine is to teach as method of purchasing and selling consumer products and services via an electronic bid,auction and sale system as enunciated by Barzilai(col 1 lines 47-51).Next, it would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai and further in view of Godin to teach part of the above. The motivation to combine is to teach a simplified Internet-based auction process extending over some time with a lack of complexity and e-mail notification to winners as enunciated by Godin(col 1 lines 47-59).Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai in view of Godin and further in view of Aggarwal to teach part of the disclosure. The motivation to combine is to teach an Internet-based auction process with dynamically adjusted time intervals due to the pricing as enunciated by Aggarwal(col 2 lines 33-41).Finally, it would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai in view of Godin in view of Aggarwal and further in view of Rackson to teach all of the above. The motivation to combine is to teach an Internet-based auction process which allows a bidder to place an order with the multi-auction service and have this service coordinating a bidding strategy for an item or items across remote auction services in order to achieve an optimal result as enunciated by Rackson(col 6 lines 37-41).

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***Response to Arguments***

7. Mori teaches bid prioritization where the bidders coalesce through a rule editor(Fig 5)(Fig 4/324/325) as well as conditional and unconditional bidding(Fig 4/314)(Fig 5/425)(Fig 7/612).Thus, in the designations the different bidders may in fact be one person at different levels with a prioritized ranking as designated in the rule editor of Mori setting the price conditions(Fig 5/411).This prioritization permits only bids falling within a specified zone to be considered.Aggerwal further teaches the seller providing information regarding the best bids submitted(Fig 3/310)(Fig 4/420) with respect to claim 57 as well as including the set of active bids for an item includes only those bids in which a potential purchaser designated such bid for an item with a highest bid ranking among all bids submitted by the purchaser(Fig 4/420) according to claim 51. Barzilai further teaches permitting bidders to see a current highest unconditional bid specified by a bidder and information related to bids specified by other bidders(col 13 lines 30-50) with respect to claim 6.Rackson teaches permitting a bidder to bid on two separate items auctioned in two separate periods through the coordinated bidding mechanism(col 7 lines 18-36) per claim 27.

***Conclusion***

8. **THIS ACTION IS MADE NON-FINAL.**

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9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00

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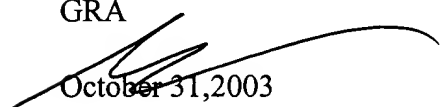
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PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687.

GRA

  
October 31, 2003

**DR. GEOFFREY R. AKERS, P.E.**  
**PRIMARY EXAMINER**